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generous and enlightened sentiments of the Declaration of Independence, soften the anticipations of danger and suffering which attended their utterance. We observe that these two numbers of this work are well executed in a mechanical point of view. There are some errors of the press, but on the whole, both the engraving and printing are handsome and creditable.

ART .XIII.—*Yelverton's Reports. First American from the fourth English edition, with notes and references to prior and subsequent decisions, by Theron Metcalf.* Andover, Flagg & Gould, 1820, 8vo, pp. 228.

SIR HENRY YELVERTON was one of the most distinguished lawyers of his age. There are, however, but few traces of his life and character to be found. On the promotion of the great Bacon to the office of attorney general, in the eleventh year of James I. Yelverton was made solicitor general. He held this office seven years, when he was appointed attorney general, upon Bacon's being promoted to the office of lord keeper. In about four years, having incurred the displeasure of the king, he was removed from office, and sentenced in the star-chamber to be committed to the tower. The offence, with which he was charged, was the enlarging of a charter granted to the city of London, beyond the royal warrant. In 1621, whilst he was still imprisoned in the tower under this sentence, such was his popularity, that he was chosen to parliament by the burgesses of Northampton, but he was soon after accused by the commons of having drawn and supported patents for certain monopolies and of other misconduct, while he was the king's attorney. His articles of defence, which implicated the royal favorite, Buckingham, and even glanced at James himself, induced the king to repair to the house of lords, and require them to punish him for his alleged slander. The lords very complaisantly fined him ten thousand marks to the king, and five thousand marks to the duke. Now the truth was, that the persons, who had obtained these oppressive patents, shared the profits of their monopoly with sir Edward Villiers, the duke's brother; and yet that contemptible prince, his master, pretended to thank the commons for the information they had

given, and to be ashamed of the abuses which had crept into his administration unknowingly to him. Villiers was sent on a foreign mission to screen him from punishment, and poor Yelverton was fined for apologising for drawing the patents, by saying, that 'he was forced by the duke, and supposed it to be the king's pleasure.'* The fines imposed upon him were, however, afterwards remitted, and on the accession of Charles I. to the throne, he was appointed a judge of the Court of Common Pleas, which office he held until his death, which happened on the 24th of January 1630. The notices of his decease are full of testimonies of his virtues, talents, and learning.

The reports, of which a new edition has been presented to the profession by Mr Metcalf, consist of 'divers special cases' in the Court of King's Bench, in the latter part of the reign of Elizabeth and the first ten years of James I. They form an essential link in the long chain of works of this nature, which constitute the original authorities of the common law. They were originally published in Norman French by sir William Wylde in 1661. A second edition was printed in 1674. The third edition was published in English in 1735, and the fourth in 1792. Yelverton also wrote a celebrated argument against the power of the crown to establish or increase impositions or duties on merchandise, without the concurrence of parliament,

*In the course of his speech before the lords, he showed that he had in fact opposed the granting of the obnoxious patents; and stated, that 'when sir Giles Monpesson saw I would not be wooed to offend his majesty, in his direction, I received a message by Mr Emmerson, sent me from sir Giles, that I would run myself upon the rocks, and that I should not hold my place long, if I did thus withstand the patent of inns; or to this effect: he had a message to tell me from my lord of Buckingham, that I should not hold my place a month, if I did not conform myself in better measure to the patent of inns; for my lord had obtained it by his favor, and would maintain it by his power. —Soon after I found the message in part made good; for all the profits almost of my place were diverted from me, and turned into an unusual channel to one of my lord's worthies; that I retained little more than the name of attorney. It became so fatal and so penal, that it became almost the loss of suit to come to me, my place was but the seat of winds and tempests. Howbeit, I dare say, *if my lord of Buckingham had but read the articles against Hugh Spencer, and had known the danger of placing and displacing officers about a king*, he would not have pursued me with such bitterness. But by opposing my lord in this patent of inns, and in the patent of ale-houses, in the Irish customs, and in sir Robert Naunton's deputation of his place in the Court of Wards, these have been my overthrow; and for these I suffer at this day in my estate and fortune (not meaning to say *I take it*, but as *I know*, and for my humble oppositions to his lordship) above twenty thousand pounds!'

which was first published in 1658 ; was republished in 1679, and has been inserted in Mr Hargrave's edition of the State Trials, vol. xi. p. 52.

The cases contained in his reports are very concisely given, and very meagre in point of reasoning and illustration, but are of great weight as authorities in the formation of the existing common law. In the words of the old English edition, 'the Cases are select, such as his curious Choice out of the Plenty of his great Observation preferred ; and in most of which himself was Counsel, the Weight whereof may well pass for Number.' But the peculiar value of the present edition consists in the great number of excellent notes, with which it has been enriched by the American editor. Indeed, we do not know a book in the lawyer's library, which contains more useful and accurate learning on a great variety of heads, and we think it does real honor to the professional character of the country. It is obviously impossible in a journal like ours to give any thing like an analysis of a merely technical work of this kind, being annotations upon adjudged cases. It is sufficient to say, that many of them are very ample essays upon the subjects they touch, and that they all indicate an extensive and accurate knowledge of the ancient and modern law. Some of the judgments and *dicta* are critically examined, and doubted or denied ; and much useful light is thrown upon the subjects discussed. Upon the whole, we have derived great pleasure and instruction from seeing our old acquaintance in the new dress, which Mr Metcalf has given him. Although his works are 'so excellent in their native beauty,' as the English editor expresses it, yet we think the modern improvements in the law have given it additional strength as well as ornament. A more liberal mode of reasoning upon legal subjects has been adopted, and the Roman code has been freely resorted to, as containing a rich collection of principles recommended by their intrinsic wisdom and equity, and by their having become incorporated into the jurisprudence of almost every civilized and commercial state. The science has been greatly improved, and is still improving, by these means ; and we venture to say in none of the countries of the common law, is it in a more flourishing condition, than in the United States. We can now do very well without the modern English reports and elementary treatises. The former contain, at present, hardly any thing but

decisions on local statutes, or trifling distinctions from old cases. It seems to be the object of the English judges of the present day, both in the courts of law and equity, to avoid deciding any thing but the case in judgment ; and what is stated as falling from the bench, is given in such a slovenly way as to afford very little instruction. There is frequently a want both of perspicuity and precision in what is reported as the judgments of the English courts, which doubtless proceeds in a great measure from the judges not having time, and wanting inclination if they had time, to reduce their opinions to writing. We believe that sir William Scott and sir William Grant are almost the only eminent judges of recent times, who have drawn up their judgments in writing, and we all see the fruits of this care for their own fame in the superior accuracy and elegance of the judicial opinions of these great men, which, no doubt, partly proceed from their intellectual superiority, but must be in a great measure owing to the circumstance we have mentioned. We think lord Eldon could hardly be so intricate, cloudy, perplexed, and obscure, if he would take the trouble to explain himself on paper. Of course we do not mean by this to say any thing irreverent of that accomplished master of the science of equity. But we do think it is time for us to cut adrift from England in this respect, and that the American lawyer might very safely stop at the end of the long reign of George III, and exclude from his library the crowd of reporters, which annually pour forth from the English press.

ART. XIV.—*An Essay on the law of patents for new inventions.*
By Thomas Green Fessenden, counsellor at law. Boston,
1822, 8vo.

THE law of patents for inventions is daily becoming more interesting in this country, on account of the extraordinary mechanical genius of our countrymen, and the rapid advances which have been recently made in manufactures and the useful arts. A very large amount of property is invested in these branches of industry, which is daily increasing by means of labor-saving machinery. The constitution of the Union has given to congress the prerogative of granting to inventors a monopoly of their discoveries and improvements, as a reward